



SELF HELP FOR HARD OF HEARING PEOPLE

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October 4, 2002

Honorable Michael K. Powell, Chairman
Federal Communications Commission
Washington, DC 20554

**Re: Response to *Ex Parte* Filing
ET Docket No. 00-221 and PR Docket No. 92-257**

Dear Chairman Powell:

Self Help for Hard of Hearing People ("SHHH"), a national consumer organization representing people with hearing loss, hereby responds in opposition to the *ex parte* presentations made by MOBEX Communications, Inc. ("MOBEX") to your office and to the offices of Commissioners Abernathy, Copps, and Martin, on September 18, 2001, and to the Wireless Telecommunication Bureau, Office of Engineering and Technology, and the Auctions and Industry Analysis Division on August 22, 2001. The MOBEX presentations are set forth in written reports filed with the Commission on August 22 and September 19 and 20, 2001.

The MOBEX presentations discussed a proposed reallocation of the 216-220 MHz band to the Automated Maritime Telecommunication System ("AMTS") spectrum. SHHH is particularly concerned about the 216-217 MHz band, which is currently used by people with hearing loss for assistive listening devices ("ALDs") that operate in the Low Power Radio Service ("LPRS"). SHHH previously filed written comments in the rule making, urging that the 216-217 MHz band not be auctioned and that it be elevated to primary status use.

In 1995, in the proceeding in which the FCC proposed to create a new Low Power Radio Service in the 216-17 MHz band to be used by ALDs, (Docket No.: 95.56 RM-7784) SHHH was very supportive of the idea. However, we strongly objected at the time to the proposal that ALDs share the use of the 216-217 MHz band on a secondary non-interference basis. SHHH feared that shared use of the band would lead to destructive interference, which would render ALDs useless to the numerous individuals and facilities (schools,

courthouses, movie theaters) which use them. That concern has not abated. MOBEX's suggestion that "numerous other [spectrum] bands [are] available," ignores the existence of significant interference in many bands, and the current use of the bands cited for broadcast (173-185 MHz, 186-201 MHz, and 207-217 MHz). Since the 1960's concerned stakeholders and users of ALDs have gone through three frequency allocation changes (88-92 MHz, to 72-76 MHz, and then to 26-217 MHz) in an attempt to find an interference-free location for ALDs. The proposed reallocation by MOBEX would result in significant cost to consumers and institutions, as they would have to spend significant sums of money to replace existing devices with those configured to a new frequency.

The FCC has stated that its primary objective in the reallocation of formerly government spectrum is to ensure that spectrum is put to its best and most valued use and that the greatest benefit to the public be attained. It has also been noted that market forces may not be the sole determinant of allocation of public resources, where they would not serve important public policy goals. The public interest in allowing the continued use of Assistive Listening Devices in this band, outweighs the allocation of this spectrum to other possible uses.

Sincerely,



Beth Wilson, Ph.D.
Executive Director of SHHH

This letter is being submitted electronically to the Commission through the Electronic Comment Filing System and is also being sent by e-mail to participants in the MOBEX *ex parte* meetings as follows:

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